

REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Non-Final Office Action mailed December 16, 2011. In view of the amendments above and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Status of Claims

Upon entry of the present amendment, claims 1, 2, 4-10, 14-16 and 18-24 will remain pending in this application. Claims 1, 14 and 18 have been amended. Applicants respectfully submit that no Previously Presented matter is added by the present amendments.

Examiner Initiated Interview Summary

Applicants responded to the Examiner initiated interview, with Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), conducted on Friday, December 2, 2011. During the telephonic interview, the Examiner asserted that there was insufficient support in the remarks for the amendments and the claim language was not clear in terms of default display. Applicants appreciate the Examiner's concerns and will attempt to address the concerns in the instant response.

Rejections under 35 U.S.C. §112, second paragraph

In the Office Action, claims 1, 14 and 18 stand rejected under 35 U.S.C. §112, second paragraph. The rejections are understood to be based on the premise that the last paragraph of the claims state, "*of the currently highlighted item of the first menu*", and it should be "*upon selection of said currently highlighted item*", because replacement only takes place after selection. Applicants have amended claims 1, 14 and 18 in a manner which is believed to overcome the stated rejections.

Rejections under 35 U.S.C. §103(a)

I. In the Office Action, Claims 1, 6-10, 14-16 and 18, 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shalit et al. (U.S. Patent No. 5,714,971) in view of Freeze, Internet Explorer 5, 1999 in further view of McCollum (U.S. Patent Publication No. 20030112467 in further view of Sommer (U.S. Patent Application No. 20040100504).

Applicants respectfully disagree with and explicitly traverse the Examiner's reason for rejecting the claim, however, Independent Claim 1 has been amended to recite features not disclosed or suggested by {Shalit / Freeze / McCollum / Sommer}, taken alone or in any proper combination. In particular, none of the cited references, taken alone or in any proper combination, disclose or suggest,

“....wherein the number of menus selected is dependent upon the content browsed by a user and the amount of detail the user wishes to be shown, wherein the number of menus selected is selectable via a graphical user interface (GUI)...”

The Office Action cites Clark, at page 14, for teaching the limitations of claim 24 which recite, wherein the number of static panels depend on the content to be browsed by a user and the amount of detail the user wishes to be shown. Clark discloses at col. 4, lines 21-24:

“Of course, a number of submenus is not limited to five. A greater or lesser number of submenus may be used for each product category, depending on how many refined or specific sub-categories are desired. In addition, the click operation may be performed using a mouse, trackball,or the like.”

However, Clark is silent as to *wherein the number of menus selected is selectable via a graphical user interface (GUI)*, as claimed.

It is further submitted that, none of the cited references, taken alone or in any proper combination, disclose or suggest,

“...wherein the elements of the navigation history panel are selectable by the user and includes at least one of, a type of content, a navigation method, a specific language, a selection of a time zone, a selection of a storage device...”

The Office Action cites Shalit for teaching various aspects of the present invention. The Office Action, at page 2, asserts that Shalit discloses the claimed aspect of a system having a graphical user interface for navigating through content, the system comprising a display having: **a navigation history panel wherein navigation history data is displayed**, and at least a first panel displaying a first menu of a content structure, the first menu comprising one or more selectable items, multiple static panel, wherein the **navigation history data** displayed in the **history panel** is updated with reference to the selection of items in the first static panel. However, Shalit is silent as to the elements of the navigation history panel being selectable by the user and including at least one of, a type of content, a navigation method, a specific language, a selection of a time zone, a selection of a storage device. See cols. 5-6 of Shalit. Freeze, McCollum and Sommer do not remedy the deficiency in Shalit.

It is therefore shown that none of the cited references teach or suggest,

“....wherein the number of menus selected is dependent upon the content browsed by a user and the amount of detail the user wishes to be shown, wherein the number of menus selected is selectable via a graphical user interface (GUI), and...

...wherein the elements of the navigation history panel are selectable by the user and includes at least one of, a type of content, a navigation method, a specific language, a selection of a time zone, a selection of a storage device...”

Further, Applicants have amended the independent claims to address the Examiner's concerns raised in the Examiner initiated telephonic interview of December 2, 2011.

Thus, Applicants respectfully submit that neither Shalit, Freeze, McCollum or Sommer, alone or in combination, suggest the limitations of claim 1 and that claim 1 is allowable. Because claims 6-10 and 20-21 depend on, and, therefore, contain all of the limitations of claim 1, it is respectfully submitted that these claims are allowable.

It is respectfully submitted that independent Claims 14 and 18 have been amended to recite similar features as those of independent Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 14 and 18 and allowance thereof are respectfully requested. Because claims 15-16 depend on, and, therefore, contain all of the limitations of claims 14, it is respectfully submitted that these claims are allowable.

II. The Office has rejected claims 22-24 under 35 U.S.C. §103(a) as being unpatentable over Shalit, Freeze, McCollum and Sommer and further in view of U.S. Patent No. 7,062,453 ("Clarke"). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Shalit, Freeze, McCollum and Sommer do not disclose or suggest each and every element of independent claim 1 from which claims 22-24 depend. Clarke does not disclose each of the elements of claim 1 that are not disclosed by Shalit, Freeze, McCollum and Sommer. For example, the cited portions of Clarke fail to disclose or suggest,

"...wherein the number of menus selected is dependent upon the content browsed by a user and the amount of detail the user wishes to be shown, wherein the number of menus selected is selectable via a graphical user interface (GUI), and...

"...wherein the elements of the navigation history panel are selectable by the user and includes at least one of, a type of content, a navigation method, a specific language, a selection of a time zone, a selection of a storage device..."

Instead, Clarke is merely cited for teaching a user selecting a number of static panels in accordance with a user preference. Hence claim 1 is allowable and claims 22-24 depend from independent claim 1, and therefore contain the limitations of claim 1, and are believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 22-24 is respectfully requested.

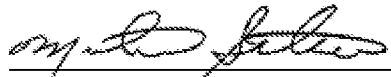
In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 6-10, 14, 16 and 18-24 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Scaturro, Esq., Intellectual Property Counsel, Philips Electronics North America, at 516-414-2007.

Respectfully submitted,



Michael A. Scaturro
Reg. No. 51,356
Attorney for Applicants

Mailing Address:
Intellectual Property Counsel
Philips Electronics North America Corp.
P.O. Box 3001
345 Scarborough Road
Briarcliff Manor, Previously Presented York 10510-8001